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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/056,391

01/24/2002

James A. Cole

34361

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116 7590 02/06/2007

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EXAMINER

LIVERSEGE, JENNIFER L

ART UNIT

PAPER NUMBER

3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/056,391

Applicant(s)

COLE, JAMES A.

Examiner

Jennifer Liversedge

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/056,391.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/1/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/056,391, filed on 1/24/2002. However, Applicant has not perfected the priority as the disclosure is inconsistent between the foreign filed document and the present application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-16 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms "inconsistently" and "unreasonably" do not particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by "Reengineering quality control" by Stephen J. Weimer (further referred to as Weimer)

Regarding claims 1 and 5-9, Weimer discloses a method of preventing a mortgage fraud by using a computer system (pages 1-5), the method comprising the steps of:

(a) maintaining a database in the computer system, the database containing data regarding a plurality of real properties, the data including an identification, a valuation, and a historical market activity associated with each real property (pages 1-5);

(b) providing information on the mortgage application to the computer system (pages 1-5);

(c) analyzing the information provided from the mortgage application and the data in the database to search for any abnormal situation therein, which may constitute a potential mortgage fraud scheme (pages 1-5);

(d) wherein, when the abnormal situation is flagged, measures can be taken to prevent a mortgage fraud from occurring (pages 1-5).

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Regarding claim 19-21, Weimer discloses a method of preventing a mortgage fraud by using a computer system (pages 1-5), the method comprising the steps of:

(a) maintaining a database in the computer system, the database containing data regarding a plurality of real properties, the data including an identification data, a valuation data, and a data of historical market activities associated with each real property (pages 1-5);

(b) analyzing the data to flag abnormal situations therein, which may constitute a potential mortgage fraud (pages 1-5); and

(c) providing a list of real properties containing flags (pages 1-5).

Regarding claim 29, Weimer discloses a computer system for preventing a mortgage fraud (pages 1-5), the system comprising:

(a) a database containing data regarding a plurality of real properties, the data including an identification data, a valuation data, and a data of historical market activities associated with each real property (pages 1-5);

(b) means for analyzing the data to search for an unacceptable situation therein, which may constitute a potential mortgage fraud (pages 1-5); and

(c) means for providing a list of real properties containing flags (pages 1-5).

Regarding claim 35, Weimer discloses a method of preventing a mortgage fraud (pages 1-5), the method comprising the steps of:

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(a) receiving information on a mortgage application from a mortgage lender (pages 1-5);

(b) providing the received information to a computer system, the computer system having a database containing data regarding a plurality of real properties, the data including an identification, a valuation, and a historical market activity associated with each real property (pages 1-5);

(c) analyzing the information to flag abnormalities (pages 1-5); and

(d) sending any flag to the mortgage lender (pages 1-5).

Regarding claims 2-4, 18, 22-23 and 27-28 Weimer discloses wherein geographic information is incorporated in to the system, supporting geographic identification of each property (pages 2-5),

wherein the historical market activity data includes historical sales-related information, previous financing and refinancing of each real property, and participants' names (pages 2-5),

wherein a list of suspicious names is maintained and updated when an abnormal situation is flagged or a mortgage fraud is reported (page 2),

Regarding claims 10-13, and 24-25 Weimer discloses wherein the abnormal situation is identified by detecting data patterns similar to data patterns determined from known cases of fraudulent activities and where the abnormal situation is flagged when multiple mortgage applications are involved in a single real property, the difference between the property values declared by the

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applicant of each applicant meets a predetermined criteria, and the property address in the mortgage application mismatches the property owner's address (pages 2-5).

Regarding claims 14-17 and 26, Weimer discloses where the abnormal situation is flagged when the sale price is inconsistently high, the declared property value in the mortgage application is inconsistently high, the declared property value or the requested loan amount from the mortgage application is unreasonably high and where registered property owner name mismatches applicant's name or seller name on mortgage application (pages 2-5).

Regarding claims 30-34, Weimer discloses a plurality of mortgage lenders' systems communicatively connected with the system via a communications network in order to share and exchange data and information (pages 2-5);

Means for analyzing information in the loan application and search database in order to search for a potential mortgage fraud scheme and means to inform a mortgage lender of flagged situations enabling the lender to take measures to prevent mortgage fraud (pages 2-5).

### ***Conclusion***

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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**RICHARDE CHILCOT, JR.**  
**SUPERVISORY PATENT EXAMINER**